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OFFICE OF GENERAL
COUNSEL

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2008 SEP 12 P 1:51

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September 4, 2008

Ms. Kim Collins
Office of the General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: MUR 6026

Dear Ms. Collins

On behalf of the Nevada Democratic Party ("Respondent"), this letter is submitted in response to the complaint filed by Michael Zahara ("the Complaint") and subsequently labeled MUR no. 6026. A Statement of Designation of Counsel is attached. This Complaint alleges no violation of federal election law by Respondent and should be immediately dismissed.

The Commission may find "reason to believe" only if a complaint sets forth sufficient specific facts, which, if proven true, would constitute a violation. See 11 C.F.R. §§ 111.4(a), (c) (2008). Unwarranted legal conclusions from asserted facts or mere speculation will not be accepted as true, and provide no independent basis for investigation. See Commissioners Mason, Sandstrom, Smith and Thomas, Statement of Reasons, MUR 4960 (Dec. 21, 2001). Moreover, complaints must allege a violation of the Federal Election Campaign Act of 1971, as amended, or chapter 95 or 96 of title 26. See 2 U.S.C. § 437g(a)(1) (2008).

While the Complaint is far from clear, it alleges that Janet Churchill, the Treasurer of the Nevada State Democratic Party, is receiving payment from the state party, and receiving reimbursement for travel expenses. Neither of these facts is a violation of any law. The complaint does not allege that Ms. Churchill is being paid in excess of the work performed, or that her travel expenses were not in connection with the Nevada State Democratic Party. And indeed, her salary is commensurate with her duties, and her only travel expenses were incurred for travel in connection with a training provided by the Federal Election Commission.

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The Complaint's allegation that "Ms. Churchill's conduct leaves an indelible impression of embezzlement of county and party funds" is a scurrilous falsehood; moreover, it identifies "no source of information that reasonably gives rise to a belief in the truth of the allegations presented." *See* Statement of Reasons, MUR 4960.

Finally, the accusations regarding violations of the state party charter and bylaws and of the Rules of the House of Representatives, while false, are outside the jurisdiction of the Commission. *See* 2 U.S.C. § 437g(a)(1).

In short, this Complaint sets forth no facts to allege that Respondent violated any law, much less any federal election law. Because the Complaint alleges no such violations and because it relies entirely on conclusory allegations, it should be immediately dismissed.

Very truly yours,



Ezra W. Reese

Counsel to the Nevada Democratic Party

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FEDERAL ELECTION COMMISSION
900 E Street, NW
Washington, DC 20468

STATEMENT OF DESIGNATION OF COUNSEL
Please use one form for each Respondent/Client.
FAX (202) 418-3832

MUR # 6026

NAME OF COUNSEL: Ezra W. Reese
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FIRM: _____

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The above-named individual and/or firm is hereby designated as my
counsel and is authorized to receive any notifications and other communications
from the Commission and to act on my behalf before the Commission.

9/2/00
Date

Janet Churchill
Respondent/ Client Signature

Treasurer
Title

RESPONDENT/CLIENT Nevada Democratic Party
(Please Print)

MAILING ADDRESS: 409 Horn Street
Las Vegas, NV 98107

TELEPHONE- HOME () _____

BUSINESS () _____

Information is being sought as part of an investigation being conducted by the Federal Election
Commission and the confidentiality provisions of 2 U.S.C. § 435 (a)(1)(A) apply. This section
prohibits making public any investigation conducted by the Federal Election Commission without
the express written consent of the person under investigation.

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